

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**SHERI L. KANIEWSKI,**  
**Plaintiff,**

**vs.**

**NANCY BERRYHILL,**  
**Commissioner of Social Security,**  
**Defendant.**

**CIVIL ACTION NO. 1:19-cv-00132-JMV**

**ORDER ON PETITION FOR ATTORNEY FEES**

Before the Court are Plaintiff's motion [19] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [20]. Having duly considered the motion, the Court finds it should be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [18] dated December 30, 2019, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$4,419.57 for attorney work before this Court and \$24.00 in costs on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not "substantially justified." The Commissioner does not oppose the requested award but insists the Court direct that the EAJA award be made to Plaintiff, not Plaintiff's counsel.

The Court, having thoroughly considered the motion, response, and the applicable law, finds the requested award is reasonable; and no special circumstance would make the award unjust.

**THEREFORE, IT IS ORDERED:**

That the Commissioner shall promptly pay to Plaintiff \$4,419.57 in attorney fees for the benefit of her counsel. The Commissioner shall also reimburse Plaintiff's counsel for costs in the amount of \$24.00.

This 3<sup>rd</sup> day of March, 2020.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE